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5 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
6 **OF THE STATE OF WASHINGTON**

7 IN RE THE MATTER OF ENFORCEMENT
8 ACTION AGAINST

PDC CASE NOS.
01-203 & 01-204

9 King County
10 King County Dept. of Transportation
11 King County Transit

ORDER OF REFERRAL
TO THE WASHINGTON STATE
ATTORNEY GENERAL'S
OFFICE

12 Respondents
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14 **BRIEF FACTUAL BACKGROUND**

15 On March 26, 2001, a "45-Day Notice of Violation" complaint letter was submitted to the
16 Office of the Attorney General and the Office of the King County Prosecutor by Monte Benham
17 of Permanent Offense against King County, King County Department of Transportation, King
18 County Transit (King County entities), and Amalgamated Transit Union Local 587 (ATU Local
19 587). The complaint alleged a special assessment was withheld from the paychecks of
20 employees of King County to fight a state initiative, without their written authorization, in
21 violation of RCW 42.17.680. The Attorney General's Office referred the matter to the Public
22 Disclosure Commission for investigation and appropriate disposition. The King County
23 Prosecuting Attorney's Office deferred to the judgment of the Commission and Attorney
24 General's Office in this matter. On March 29, 2001, a complaint was received from David J.
25 Cornelson, an employee of King County, also alleging that a special assessment to fight the same
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1 initiative had been deducted from his paycheck without his written authorization. PDC Staff
2 conducted an investigation on both complaints.

3 PDC Staff submitted to the Commission a "Notice of Administrative Charges" in this
4 matter dated May 11, 2001, alleging that the King County entities who were the subject of the
5 complaints violated RCW 42.17.680 as implemented by WAC 390-17-100.

6 At its regular meeting in the PDC Offices in Olympia, Washington on May 22, 2001, the
7 Commission initiated a hearing on the Administrative Charges. Present were Commission
8 members Ronda Cahill (Chair), Susan Brady, Christine Yorozu, Gerry Marsh, and Lois Clement.
9 The parties were represented by Assistant Attorney General Neil Gorrell (representing PDC
10 Staff), and King County Deputy Prosecuting Attorneys Peter Ruffatto and Howard Scheiderman
11 (representing the King County entities). The hearing was tape recorded.

12 The Commission reviewed the Notice of Administrative Charges and attachments. The
13 Commission reviewed the parties' Stipulation of Facts. The Commission considered the oral
14 arguments of the parties.

15 Following the presentation of the Stipulation and arguments of the parties, and after
16 deliberation, the Commission directed the following:

17 **ORDER**

18 By a vote of 5-0, the Commission accepted the parties' Stipulation of Facts. The
19 Commission further found by the same 5-0 vote that there are apparent multiple violations by the
20 King County entities of RCW 42.17, in particular RCW 42.17.680 as implemented by WAC 390-
21 17-100, but that the maximum penalty that can be assessed by the Commission is inadequate in
22 light of the allegations and the stipulated evidence presented to the Commission at the hearing.
23 Therefore, in lieu of entering Findings of Fact, Conclusions of Law, and an Order, the
24 Commission hereby refers this case to the Washington State Attorney General's Office pursuant
25 to RCW 42.17.360 and .395, and WAC 390-37-100, and incorporates the Stipulation of Facts
26 into this Order by reference.

1 By a separate motion and vote of 5-0, the Commission found that the ATU Local 587 did
2 not violate RCW 42.17.680 as alleged because the union is not the employer in this case and is
3 not responsible for the disbursement of funds in payment of wages or salaries to King County
4 workers. The Commission directed staff to prepare a separate Order dismissing those claims.

5 The Chair is authorized to sign this Order of Referral on behalf of the Commission.

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8 _____ (Signed May 30, 2001)
9 Ronda Cahill Date Signed

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11 Attachment: Stipulation of Facts dated May 22, 2001

12 *Copies to be provided to:*

13 Neil Gorrell, Attorney General's Office
14 Linda Dalton, Attorney General's Office
15 Peter Ruffatto, King County Prosecuting Attorney's Office
16 Howard Scheiderman, King County Prosecuting Attorney's Office
17 Sally Tenney, King County Prosecuting Attorney's Office
18 Monte Benham, Permanent Offense
19 David J. Cornelson
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